

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
CHARLOTTE GALLA : ORDER OF REVOCATION
_____ : DOCKET NO: 473-05/98-166

At its meeting of May 14, 1998, the State Board of Examiners reviewed a decision forwarded by the Commissioner of Education that had dismissed Charlotte Galla from her tenured position with the Board of Education of the City of Irvington for charges of unbecoming conduct and insubordination. Galla currently holds Principal/Supervisor, Teacher of English as a Second Language, Elementary School Teacher, Teacher of Spanish and Teacher of Bilingual/Bicultural Education certificates.

This case originated on May 18, 1995 when the Irvington Board of Education certified tenure charges against respondent, Charlotte Galla. Galla was employed as a Teacher of English as a Second Language (ESL) at the district's Florence Avenue School. The district charged her with unbecoming conduct and insubordination for engaging in a long-term improper relationship with a student.

The case was transmitted to the Office of Administrative Law (OAL) on June 23, 1995. Administrative Law Judge (ALJ) Mumtaz Bari-Brown heard testimony on several days in September 1995 and in January and February 1996. After receiving post-hearing submissions, the record closed and the ALJ issued an Initial Decision on June 14, 1996.

In that decision ALJ Bari-Brown found that Galla had had a relationship with a student named R.D. R.D. had been a student in Galla's ESL class during the 1992-93 academic year. During that year and the subsequent school year, Galla gave R.D. many gifts. She also drove R.D. to and from school on numerous occasions and gave him a cellular phone and her calling

card number for his personal use. In addition, Galla had taken R.D. on a least one school trip after he had graduated from the Florence Avenue school. Galla and R.D. were also observed together on many non-school occasions and were once caught in a compromising position in Galla's classroom.

After considering all the testimony, ALJ Bari-Brown found that Galla's conduct was improper. She disagreed with Galla's assertion that there was nothing untoward about giving R.D. gifts and driving him around in her car. The ALJ concluded, "the act of gift giving has inherent connotations." (Initial Decision, slip op. at 11). Thus, while token gifts might be appropriate as an incentive or a reward, expensive gifts such as those Galla gave R.D. demonstrated "an intent to be more than a teacher in a student's life." (Initial Decision, slip op. at 11).

ALJ Bari-Brown also did not find credible Galla's testimony regarding an incident where she was caught in a compromising position with R.D. According to the ALJ, Galla's demeanor during her testimony regarding that incident rendered that testimony unworthy of belief. The ALJ therefore concluded that based upon the preponderance of the credible evidence the Board had proven the charges of unbecoming conduct. (Initial Decision, slip op. at 13).

In considering the appropriate penalty, the ALJ examined Galla's unblemished record. That mitigating factor, however, did not outweigh Galla's improper conduct or her lack of judgment in pursuing a relationship with R.D. (Initial Decision, slip op. at 14). Moreover, the DYFS investigation into the matter had concluded that "sexual abuse was substantiated and ... that Galla's interaction and behavior was unjustified, inappropriate and placed R.D. at risk." (Initial Decision, slip op. at 14). Thus, based on her review of the entire record, the ALJ concluded that Galla's breach was so substantial "that there are no mitigating factors to support

continued employment with the Irvington Public Schools.” (Initial Decision, slip op. at 16). Consequently, the ALJ ordered Galla dismissed from her tenured employment.

In a decision dated August 5, 1996, the Commissioner of Education affirmed the ALJ’s Initial Decision. The Commissioner found that the local board “had sustained its burden of proof with regard to the tenure charges of unbecoming conduct against respondent.” (Commissioner’s Decision, slip op. at 22). Accordingly, the Commissioner affirmed Galla’s removal from her tenured employment with the Irvington Board of Education and transmitted the matter to the State Board of Examiners pursuant to N.J.A.C. 6:11-3.6 for appropriate action regarding Galla’s certificates.

Galla appealed the Commissioner’s decision to the State Board of Education. On March 4, 1998, the State Board affirmed the Commissioner’s decision. Thereafter, on May 14, 1998, the State Board of Examiners issued an Order to Show Cause to Galla as to why her certificates should not be or suspended or revoked. The Order was predicated on the charges of unbecoming conduct that had been proven in the tenure hearing.

The Order to Show Cause was mailed to Respondent by regular and certified mail on June 9, 1998. The Order provided that if respondent desired to file an Answer to the Order that Answer must be filed within twenty (20) days. Galla filed a non-conforming Answer on June 12, 1998. On June 23, 1998, the Board of Examiners asked Galla to submit another, proper Answer. On June 26, 1998, Galla filed another, non-conforming Answer. In her Answers, Galla stated that she had been railroaded and that the tenure charges against her were unsubstantiated and based on personal perspectives. She also claimed that she was a model teacher and had never acted improperly.

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on September 1, 1998, a hearing notice was mailed by regular and certified mail to Galla. The notice explained that since it appeared no material facts were in dispute regarding the tenure charges, respondent was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause constituted conduct unbecoming a certificate holder. It also explained that, upon review of the charges against her and the legal arguments tendered in her defense, the State Board of Examiners would determine if her offense warranted action against her certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Galla responded to the Hearing Notice on September 9, 1998. In that letter Galla reiterated that she had never acted improperly and stated that the charges were fabricated. She claimed that she had numerous letters of recommendation to “verify (*sic*) my character and professional conduct in the Township of Irvington.” (Hearing Response, at.1).

The threshold issue before the State Board of Examiners in this matter, therefore, is to determine whether Galla’s conduct and her subsequent loss of tenure constitute conduct unbecoming a certificate holder. At its meeting of November 5, 1998, the State Board of Examiners reviewed the charges and papers filed by respondent in response to the Order to Show Cause. After reviewing her response, the Board of Examiners determined that no material facts related to Galla’s offense were in dispute since she only argued that the already-proven tenure charges were unsubstantiated.

The charges in the Order to Show Cause are therefore deemed admitted for the purpose of this proceeding. Thus, the State Board of Examiners must now determine whether Galla’s offense as set forth in the Order to Show Cause, represents just cause to act against her certificates pursuant to N.J.A.C. 6:11-3.6(a)1.

The State Board of Examiners may revoke or suspend the certification of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. N.J.A.C. 6:11-3.4. Furthermore, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Board of Education, 130 N.J.L. 369, 371 (S. Ct. 1943), aff'd. 131 N.J.L. 326 (E & A 1944). "Teachers... are professional employees to whom the people have entrusted the care and custody of ... school children. This heavy duty requires a degree of self-restraint and controlled behavior rarely requisite to other types of employment." Tenure of Sammons, 1972 S.L.D. 302, 321. There can be no dispute that engaging in an intimate relationship with a student violates the most fundamental aspect of a teacher's responsibilities. Moreover, not only does it tarnish the teacher's reputation, it sullies the certificate that individual holds. The only proper response to this transgression is revocation.

Accordingly, it is therefore ORDERED that Charlotte Galla's Principal/Supervisor, Teacher of English as a Second Language, Elementary School Teacher, Teacher of Spanish and Teacher of Bilingual/Bicultural Education certificates be revoked on this 5th day of November 1998. It is further ORDERED that Charlotte Galla return her certificates to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within fifteen (15) days of receipt of this letter.

Secretary
State Board of Examiners

Date of Mailing: December 3, 1998

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.

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